

2. Under 28 U.S.C. § 1391(b)(2), venue is proper in “a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is subject of the action is situated[.]” 28 U.S.C. § 1391(b)(2).

3. This is an action wherein Plaintiffs seek declaratory relief finding that they are majority owners of Trinity Clinical Laboratories, LLC (“TCL”) pursuant to a series of instruments, written and oral agreements, and actions which were executed and/or occurred, as applicable, in Dallas County, Texas. *See* Dkt. 1 (Plaintiffs’ Original Complaint for Declaratory and Injunctive Relief (the “Complaint”)). The facts underlying Plaintiffs’ claim of ownership happened largely in Dallas County, Texas, including regular board meetings, execution of documents, and other corporate activities evidencing Plaintiffs’ majority ownership interest in TCL. More specifically, Plaintiffs and the other owners of TCL met regularly and conducted Board meetings at their Compliance Committee office located at 603 Munger Avenue, Dallas, Texas 75202. Plaintiffs and the other owners also met regularly with TCL’s outside healthcare counsel located in the same building. Moreover, one of the prior owners of TCL from whom Plaintiffs acquired their ownership interest is/was located in Dallas County, Texas with an address at 8111 LBJ Freeway, Suite 1065, Dallas, Texas 75251. *See* Dkt. 1, Exhibit A (Binding Letter of Intent), p. 1.

4. Further, this action seeks the recovery of and potentially injunctive relief with respect to assets of TCL, which, as stated in the Complaint, were seized by the Federal Bureau of Investigation in a related civil forfeiture action brought in the

Northern District of Texas. *See* Dkt. 1 (Complaint ¶ 22); *see also* Dkt. 1-B (Complaint for Forfeiture in *United States of America v. \$1,433,196.55 in Funds Seized from Wells Fargo Account Ending in 1877, et al.*, Cause No. 3:20-CV-442, in the United States District Court for the Northern District of Texas, Dallas Division, attached to the Complaint as “Exhibit B” (“Forfeiture Complaint”). The seized assets in dispute were located and remain situated in Dallas County, Texas. *See* Forfeiture Complaint ¶ 6 (“The defendant property was seized by the Federal Bureau of Investigation (FBI) in the Northern District of Texas. The property described in 2(a)-(c) is being held in the seized asset deposit fund account at the Federal Reserve Bank for the Northern District of Texas.”)¹

5. Accordingly, venue is proper in the Northern District of Texas, Dallas Division, pursuant to 28 U.S.C. § 1391(b)(2), and this action should not be transferred to the Eastern District of Texas, Sherman/Plano Division.

II. AMENDMENT OF COMPLAINT

In an abundance of caution, and to the extent the Court deems the Complaint contains insufficient allegations demonstrating venue in this District, Plaintiffs are filing a First Amended Complaint, pursuant to Fed. R. Civ. P. 15, contemporaneously with this Objection.

III. RELIEF REQUESTED

¹ The Federal Reserve Bank of Dallas is located at 2200 N. Pearl Street, Dallas, Texas 75201.

Plaintiffs respectfully request that the Electronic Order Transferring this Case (Dkt. 9) be withdrawn and that this matter be allowed to proceed in the Northern District of Texas, Dallas Division.

Dated: October 19, 2023

Respectfully submitted,

PLATT RICHMOND PLLC

/s/Robert A. Hawkins

Robert A. Hawkins

bhawkins@plattrichmond.com

Texas Bar No. 00796726

Nicole L. Walker

Texas Bar No. 24121884

nwalker@plattrichmond.com

1201 N. Riverfront Blvd., Suite 150

Dallas, Texas 75207

214.559.2700 Main

214.559.4390 Fax

COUNSEL FOR PLAINTIFFS